

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:13CR117
vs.)
MICHAEL C. HUYCK,)
Defendants.) ORDER

This matter is before the court on the motion to continue by defendant Michael C. Huyck (Huyck) (Filing No. 36). Huyck seeks a continuance of the trial of this matter which is scheduled for August 19, 2013. Huyck asserts the resolution of this case is dependent on the resolution of charges against Huyck in another case, 8:13CR107. Huyck has filed an affidavit wherein Huyck represents he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 36-1). Huyck's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

While trial in 8:13CR107 has not yet been scheduled, a motion deadline in that case is scheduled for September 6, 2013.

IT IS ORDERED:

1. Huyck's motion to continue trial (Filing No. 36) is granted.
2. Trial of this matter will be rescheduled following the scheduling of trial in Case No. 8:13CR107. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 25, 2013, and September 6, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Trial will be rescheduled following the scheduling of motions or trial in Case No. 8:13CR107, at which time excludable time under the Speedy Trial Act will be recalculated.

DATED this 25th day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge